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1. Check the above box "Highlight Fields" to show fields on this form.
2. Complete the form.
3. Print, sign the document, and file with the court..

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON

FILED ENTERED
LODGED RECEIVED

SG OCT 28 2016

AT SEATTLE
CLERK U.S. DISTRICT COURT
BY WESTERN DISTRICT OF WASHINGTON DEPUTY

16 CV-01682 JLR
COMPLAINT

ISMAHAN ISMAIL

Plaintiff(s)

vs.

AMAZON.COM

Defendant(s),

Parties to this Complaint:

Plaintiff's Name, Address and Phone Number

ISMAHAN ISMAIL
11060 16TH AVE SW #105
SEATTLE, WA 98146
(619) 450-3821

Defendant's Name, Address and Phone Number

AMAZON.COM
410 TERRY AVE N.
SEATTLE, WA 98109

Defendant's Name, Address and Phone Number

1 Defendant's Name, Address and Phone Number

2
3
4

5 (If you have more defendants, list them using the same outline on another piece of paper.
6 Attach additional sheets, if necessary)

7 **Jurisdiction**

(Reason your case is being filed in federal court)

8 I FILED A COMPLAINT AGAINST AMAZON.COM AFTER
9 EXPERIENCING DISCRIMINATION, RETALIATION, RELIGIOUS
10 DISCRIMINATION, AND HOSTILE WORK ENVIRONMENT WITH
11 THE EEOC. I RECEIVED A RIGHT TO SUE LETTER SO I AM
12 FOLLOWING THE STEPS NEEDED IN ORDER TO SUE FOR
13 VIOLATION OF MY CIVIL RIGHT BY MY EMPLOYER

14 **Statement of Claim:**

(State here as briefly as possible the facts of your case.)

15 ATTACHED STATEMENT OF CLAIM
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Statement of Claim
(continued):

STATEMENT ATTACHED

United States District Court for the Western District of Washington

Statement of Claim:

Background

I started working as a contractor with Amazon in 2012. I was hired as an Alarm Monitoring Associate directly with Amazon in December, 2013 in Seattle, WA. I worked in the Global Security Command Center (GSCC) as a contractor, then transferred over as an Associate doing similar tasks with the GSCC team. Those that were offered a position transferred over to Phoenix, AZ. The job consisted of sitting at a computer for a number of hours gathering intel about incidents related to people, property and brand for Amazon worldwide. I enjoyed working with the GSCC team and helping anyone who was in need. Coming from a security background and always being involved in customer service, I was ecstatic about this new journey. When I was offered the job I took the job offer and relocated to Phoenix, AZ. Prior to this, I had never lived nor visited Phoenix, AZ but I looked at this opportunity as part of professional development and growth and to get outside of my comfort zone. I thought it would be similar to my military experience since all the staff shared a common goal of service to others.

Incident #1- Sexual Harassment

I was a victim of sexual harassment incident outside of work involving coworker named Mahad Farah. I reported the incident to one of the managers named Devon Hall when I checked out of the hospital. I contacted Phoenix Police Department the night of the injury and filed a report the same night where Mr. Farah got physical. I informed Mr. Hall that I wanted to switch to a different shift because I didn't feel safe working with Mr. Farah. I also stated that I wanted to talk to Human Resources (HR) about what happened. Mr. Hall informed me that if HR was involved that myself and Mr. Farah might be fired. Mr. Hall suggested that we should keep it in house and that he would contact General Manager Tony Gibson to see if I can switch to a different shift. I came to work on my next schedule shift and avoided Mr. Farah. I was informed that my shift change was denied several days later. I worked as an extra on the swing shift, meaning that we had more employee than other shifts even though the workload was less than the day shift. I wasn't sure why Mr. Gibson denied my shift change and Mr. Gibson never stated why he denied my shift change except that it was denied. I didn't feel safe working with someone who became physical towards me so I decided to go ahead and inform HR about the incident. When I told HR, they wanted to know why I didn't come forward sooner so I explained that Mr. Hall told me about keeping it in house and that I was waiting on Mr. Gibson to switch me to a different shift. I informed HR that I was following chain of command because I had not dealt with sexual harassment nor had I been a victim of physical assault prior to this night. Thus, I wasn't sure the appropriate course of action I should be taking. HR informed me that Mr. Gibson has the right to refuse the shift change and that since the incident occurred outside the working hours, that I would need a legal documentation from the court stating that I couldn't work with Mr. Farah. I followed the direction from HR and obtained an Order of Protection to not work with Mr. Farah. I turned the paper into HR and waited for HR to start the investigation. HR placed Mr. Farah on leave and they also placed me on leave as well. The court paper stated that Mr. Farah couldn't come to the PHX3 worksite located at 6835 W. Buckeye Rd. Phoenix,

AZ 85043. I didn't want to stop Mr. Farah from working at the GSCC so I obtained a second Order of Protection stating that we couldn't work on the same shift together but that he could step into PHX3 worksite. Mr. Farah appealed the Order of Protection stating that he couldn't support his family due to not working. Amazon wanted the GSCC employee to work a 12 hour shifts instead of an 8-hour shift so I finally went to a different shift, along with everyone in the GSCC. Around that time, there was an audit on the GSCC. Mr. Hall informed me that Management was reprimanded because my incident wasn't reported to HR.

Incident #2 - Demoted after Reporting Profanity

Many employees, including management ended up quitting from the GSCC. My manager (who was listed as a Grave Shift manger but worked in a different shift than grave) Levy Bland asked me if I can take on the role as an Escalation's Specialist (ES) in approximately November 2014 because they had no one else to fill the position. I was excited because this was the first time since approximately February 2014, that I was allowed to work on something besides alarm monitoring. I didn't receive adequate training like the other employees but I worked hard to learn my new role as an Escalation's Specialist, while also working on alarm monitoring tasks. Mr. Bland wanted me to work on familiarizing myself with incident reporting but my coworker Migail Graves decided to not do his share of the work, which caused delay and missing deadlines for reporting incidents. After multitasking with incidents, alarms and covering breaks, I decided to inform management about the lack of team work because it was affecting everyone in the GSCC and Amazon as a whole. I informed management about Mr. Graves using profanity against me in the workplace and not completing his share of the incident reports. Manager Levy Bland spoke to me after the incident where he informed me that Migail has a temper issue and he is working on it "He goes from 0 to 100", and that I shouldn't let him affect me. During a meeting with Mr. Bland, I was demoted from my position as an Escalation's Specialist. Mr. Graves had issues with other employees and attendance issues. Mr. Graves also began the Escalation's position a little bit before I started that role. Mr. Graves and Levy Bland, the manager, were roommates and friends. I was informed that my new position as an Escalation's specialist was not needed compared to my previous position as an Alarm Monitoring Associate. This was not true because the GSCC was actually going away from alarms responding all together due to staff in Corporate Seattle taking on majority of our alarms, which left little work for the GSCC when it comes to alarms. Levy Bland stated that for the better of the business it would be best if I went back to working on alarms and to also help out if the team needed it. Mr. Bland stated that once the new alarm monitoring associate was trained up, that I would be allowed to return to ES position. Another employee was hired into the position and I was still not moving back. Now our team had three employees working on alarms while one person would be covering all incidents even though incidents were more of a priority due to safety reasons. I knew that I didn't want give more of a reason to make the retaliation worse so I followed orders from Mr. Bland. Another employee was moved was moved from a different shift to come work in my previous position as an Escalation's Specialist. I asked Mr. Bland why was I demoted? Why bring someone else coming from an entirely different shift who had no training in Escalations? I also asked if that position wasn't a priority then, when I was being removed from it, how is it less of a priority now? Mr. Bland had no issues with my working skills and actually stated that my working skills are better than the employee that have been doing it for years in the yearly review. Mr. Bland stated that the reason why another employee was brought into the

position was because of seniority. Amazon does not allow seniority to be a reason to give someone a job over another individual's skills. It was also very contradicting because I was hired before the associate who was brought on from a different team, and also had more training so seniority was not a good excuse.

Incident #3 - Miscellaneous Retaliations

Alarm Monitoring Associate Saul Chavez and I made reports about a new supervisor who was making multiple mistakes and needed further training but our request was never taken into consideration. Instead Mr. Chavez also suffered retaliation from management. Mr. Chavez and I were the only employees at that time placed on probation. My food items, Tupperware, and Employee ID went missing from the GSCC command center. I didn't feel comfortable to bring food to work anymore because I was afraid of what would happen to it. I also opened up a trouble ticket with Amazon because my files on my entire computer were wiped clean which I did not authorize.

Incident #4 - Religious Discrimination

I received religious discrimination from my most recent Manager Braden Peterson. He had issues with my prayer breaks. Mr. Peterson kept pulling me into meetings. Mr. Peterson had issues with me helping security staff. After dealing with constant harassment from Mr. Peterson, I requested to have a meeting with our new General Manager Mike Butler. Mr. Butler stated that he had an open door policy and requested for anyone to come talk to him about anything. In my meeting, I spoke about Mr. Peterson harassing me and also about other issues. The meeting seemed to go very well and I thought finally something could be done about the hostile work environment. The day that I made the report, my abaya (prayer dress) went missing from where I usually place it at. After finding it in a different area, I rushed to go pray since I was running behind. I went into the conference room and noticed after opening up my abaya (prayer dress), that there was a dusty boot print on it. Mr. Peterson wore a boot that day, like many other days. I took a picture of it and reported it to HR and Mr. Butler. HR said that they would investigate but nothing came of it because there were no cameras in the area where I found it at. After making a report about Mr. Peterson, I started receiving multiple retaliation on a daily basis. Mr. Peterson tried writing me up numerous times and asked me to complete work outside of my job title. I asked HR if I can record audio while I'm at work since it was myself against the entire management. HR said that they would look into it but never got back to me about it. After being harassed so much by Mr. Peterson, I informed him that I don't feel comfortable in having meetings with him alone due to him trying to discredit me and I also spoke with HR about it to avoid further issues. HR and Mr. Peterson informed me that I would have to clock out for my prayer breaks. I informed HR that Amazon does not have a rule about clocking out for prayer and that I have been praying the same way since starting with the GSCC. I also informed HR that I am not the only Muslim employee in the team and is this being done to every Muslim employee? HR replied that it's only for me because I requested accommodation to pray. I replied back to HR stating that I did not request any accommodation but that Mr. Peterson had issues with my religion and made that request to restrict my prayers. After the meeting I asked HR if I can contact the Ethics Hotline for Amazon because my rights were being violated and she stated that I could do so. I contacted the Ethics Hotline and informed them about what I went through. On May 8, 2015, Mr. Peterson made a

racial remark on a group chat about me so I contacted HR after making multiple calls to Ethics Hotline. Ethics informed me that they made a report and sent that information over to Amazon and that I would have to wait for Amazon's response. I went on Medical leave on May 9th after I was done with my shift.

Civil Rights Violated Overview

My civil rights were violated after reporting an incident to Human Resource in approximately February, 2014 and I started receiving backlash from management after reporting the incident to Human Resources. The retaliation continued until I finally went on medical leave for PTSD because of the hostile work environment in May 9, 2015. As a result of working in a hostile work environment at Amazon, I suffered from insomnia, anxiety, depression, weight loss, smoking cigarettes due to stress, and hair loss. The dynamic of the workplace changed dramatically and I suffered retaliation after reporting an assault from a co-worker. I also suffered religious discriminations and was told by Human Resources to clock out for my prayer breaks, being the only individual in Amazon to be told to do so. I was denied overtime, project work and team activities. I was denied transferring to a different position with Amazon after I waited the waiting period of one year. I was denied when I tried participating in a project to train individuals abroad. When I asked why I couldn't travel with the team, I was informed by my Direct Manager Braden Peterson that the reason why is because I applied to other positions within Amazon. I made reports about the hostile workplace, which were ignored by management and HR. I suffered a work injury to my right shoulder, hip, elbow and knee at work on May 1, 2015, while AJ Geiss led the mandatory standup (which is a set of exercise led by management, and involving a team activity of shooting basketball). Amazon Safety personnel denied to treat me initially until they were given the okay to treat me after some time from General Manager Mike Butler, who was not at the site. This is not the protocol for Amazon in dealing with any injury whether it's work related or not. I asked to go to the ER but I was informed by Safety and Management that I would have to cover the entire hospital bill and I couldn't afford to pay for it. I asked if I could go home because of the pain and not being able to perform my job but I was informed that I would not be paid if I left work. I couldn't do my job, General Manager Mike Butler informed me to "work around the pain." Since I couldn't lift my arm because of the pain to type, I was given accommodations to place a keyboard on my lap and use my left hand to get my work done. I was given the run for more than five months from Amazon in regards to who to contact about my work related injury case. I notified the injury when it occurred to management, Human Resources, Amazon Leave of Absence team, and Employment Resource Center. I asked about opening up a case related to my work injury but I was given the run around from one team to another. I was finally given a point of contact for Sedgwick Insurance in late October, 2015. Sedgwick sent me a letter stating that all benefits related to my work injury would be covered but that did not occur. Sedgwick stopped returning my calls and made no efforts to assist me about my work injury. No one from Amazon or Sedgwick informed me that I needed to file any paperwork with the Industrial Commissioner of Arizona. I didn't know this information until I was informed close to the statute of limitations date by my attorney Liban Yusuf, who is representing me in regards to the workplace injury in Phoenix, AZ. After doing months of physical therapy, I was informed by doctors and physical therapist that I would need to have surgery due to multiple reoccurring shoulder dislocation from the injury. I currently have the State of Washington Molina insurance and since the injury happened on the job, the insurance

company will not cover the surgery. I filed a case with the Industrial Commissioner of Arizona regarding the work injury, and the case is still going. My psychologist stated that returning to work in Phoenix, AZ to work in a hostile work environment will increase my PTSD. Amazon informed me that I would be able to transfer to a different work site in Seattle but they changed their mind. Amazon informed me that my case was closed, stating that the only way my case would be reopened is if I return back to work at the GSCC. Sedgwick offered to pay for any time loss from work due to the injury but it never happened. I have made every effort in communicating with Amazon since February 2014 to the present time.

Relief:

I suffered mentally, physically, emotionally, and financially while trying to express my rights as a human, a citizen and as an employee. It's astonishing while following the chain of command to be brought this far. To think that it started with a shift change to avoid further issues, to feel safe in an environment that promises to keep us safe. Returning to work in a hostile environment is not an option for me. Fear of retaliation is an everyday struggle that I go through. Religious discrimination is something that I never thought I would be a victim of or any form of discrimination for that matter. I decided obtain a degree in Psychology and to become an advocate for others. I want to make sure that no other employee or human suffers like I have. There was a point when I truly wanted to be back at work. The want, turned into an everyday fear. I don't feel safe working due to fear of retaliation and discrimination which is why I have not worked since I went on medical leave to address issues about my PTSD. I want to make sure that all employees feel comfortable in reporting something as critical as a sexual harassment, whether it happened on the job or not. My complaints were filed with the Equal Employment Opportunity Commission. I received a Right to Sue letter on August 10, 2016. One of the requirements before filing in court is to file with the EEOC so this will show that I completed the requirement. Amazon's actions were discriminatory and I am requesting relief from the Court in whatever manner the Court deems appropriate and necessary. Venue is proper because Defendant and Plaintiffs all reside and do business in the Western District of Washington.

Relief:

(State briefly exactly what you want the court to do for you)

STATEMENT ATTACHED

Jury Demand:
(Optional)

YES I WOULD LIKE TO REQUEST A JURY

10-28-16
Date


Signature of Plaintiff